



MEMORANDUM

"Together...ReShaping Young Lives"



TO: Henry Lesansky Ph.D.
Assistant Secretary/ OPRA

THROUGH: Philip O'Donnell
Director, OPRA/ICAU
Philip O'Donnell

THROUGH: Pete Keefer *7-3-01 4 P.M.*
Acting Assistant Director, OPRA/ICAU *PK 7-3-01*

FROM: Robin Brady-Slifer *RBS 7/3/01*
Investigator/ ICAU

DATE: July 3, 2001

ICAU TRACKING NUMBER: 01E1059

INVOLVED YOUTH: 1. [REDACTED] 4. [REDACTED]
2. [REDACTED] 5. [REDACTED]
3. [REDACTED]

INVOLVED STAFF: 1. Justin Howell 3. Willie Green
2. Floyd Sears 4. Paul Johnson

LOCATION OF INCIDENT: Victor Cullen Academy

CURRENT LOCATION OF YOUTH:

As of June 29, 2001, Youths, ^①[REDACTED] ^②[REDACTED] ^⑤[REDACTED] ^④[REDACTED]
are still assigned to Victor Cullen Academy. Youth ^③[REDACTED] is assigned to SAIL program in
Annapolis Maryland.

INVESTIGATIVE CONCLUSION:

On May 25, 2001, the Investigations and Child Advocacy Unit received information from the Victor Cullen Academy regarding allegations of neglect and child abuse. The neglect and abuse occurred when staff members allowed the youth to engage in hand to hand fist fights. The fights were conducted on Saturday mornings at the Silver Charm cottage and were the result of unresolved disagreements that had occurred earlier in the week between youth.



An investigation was initiated on June 3, 2001. As a result of the investigation and review of the below exhibits, it has been determined by a preponderance of the evidence that **the allegations in this complaint are sustained.**

The involved staff in this incident did fail to properly perform their duties as well as commit a Breach of Security which are violations of DJJ Standards of Conduct.

It is recommended that the appropriate disciplinary action to be taken.

EXHIBITS AVAILABLE FOR REVIEW:

1. DJJ Incident Report 01 E 01059
2. Written Statement from [REDACTED] ①
3. Written Statement from [REDACTED] ③
4. Written Statement from [REDACTED] ④
5. Written Statement from [REDACTED] ⑥
6. Written Statement from Blossom Coston
7. Written Statement from Victor Miller
8. Written Statement from [REDACTED] ⑦
9. Written Statement from [REDACTED] ④
10. Written Statement from [REDACTED] ⑤
11. Written Statement from [REDACTED] ②
12. Written Statement from Gregory Quick
13. Written Statement from [REDACTED] ⑧
14. Written Statement from Donnell Tyson
15. Written Statement from Justin Howell
16. Written Statement from Floyd Sears
17. Written Statement from Willie Green
18. Written Statement from John Caiopoulos

These statements are available for review in Case files.

INVESTIGATION:

The following investigative information which includes staff and youth interviews, supports the findings in this investigation:

On May 25, 2001, Investigation Unit received a complaint that Staff members Justin Howell, Floyd Sears, Willie Green, Paul Johnson were allowing the youths at Victor Cullen Academy to fight on Saturday mornings. The fights were conducted at the Silver Charm cottage and were the result of unresolved disagreements earlier in the week between youth. Several youths provided written statements citing the fights in which they participated and the staff who observed them.

The inappropriate fighting was discovered by Child Advocate Josh Smith who notified Joe Smith the Facility Administrator at Victor Cullen. On this occasion Staff Howell escorted Youth (4) [redacted] from Secretariat cottage to the Silver Charm cottage. Staff Howell should have escorted Youth (4) [redacted] to Citation cottage for school.

Once inside the Silver Charm cottage Staff Howell allowed Youth (4) [redacted] to wander around the cottage without supervision. Youth (4) [redacted] waited for Youth (4) [redacted] to enter the bathroom. When Youth (4) [redacted] entered the bathroom he was assaulted by Youth (4) [redacted] who stated "This is for snitching on Staff Howell." The assault was witnessed by Youth (6) [redacted].

Youth (1) [redacted] wrote a grievance on Staff Howell, Sears and Green that they were allowing other youths in Silver Charm to fight on Saturday. Youth (4) [redacted] advised that if the youths in Silver Charm were having a dispute with each other, they would settle the disagreement by fighting on Saturdays.

Youth (1) [redacted] advised when Staff Howell and Staff Sears found out that someone wrote a grievance about the fights, they held a peer meeting. They told the group that someone "snitched us out." Staff Howell said the fights were supposed to stay in house, Youth (1) [redacted] advised Staff Howell referred everyone in Silver charm as "family." During the Peer meeting the other youths told Staff Howell and Staff Sears when they find out who told on them they would "take care of business" referring to assaulting the person who "snitched".

Youth (1) [redacted] advised a couple of days later other youths were confronting him about being the one who told on Staff Howell and Staff Sears and Staff Green. Youth (1) [redacted] felt that he was being for warned that someone was going to hurt him.

Youth (1) [redacted] was laying down in the day area, and he was awoken by someone telling him that he was needed in the bathroom. He went into the bathroom and was confronted by Youth (4) [redacted], he told Youth (1) [redacted] he knew he was the one who told on Staff Howell, Sears and Green.

Youth (4) struck Youth (1) in the head area with his fist. Youth (1) started hollering for staff support, no one responded. (4) left the bathroom, moments later Youth (1) came out of the bathroom and advised staff to what had just happened. Youth (2) witness the fight between Youth (4) and Youth (1), and his written statement corroborates the incident.

Youth (3) reported that a group peer meeting was held in February 2001 to find out who stole his soap. In the meeting Youth (2) and Youth (3) kept arguing and disrespecting each other. Staff Howell told them to fight and settle their difference.

Youth (3) advised he came forward with the information because he didn't want to fight. He also stated that if you didn't fight, Staff Howell and Staff Sears made you feel obligated to fight someone whom you were having problems with.

According to Youth (3) when the youths were having problems with each other through the week, they would go to Staff Howell and Staff Johnson to arrange the fights on Saturdays. Staff Howell and Staff Johnson would then allow you to fight.

Youth (9) reported that he observed fist fights between the involved youths on several occasions. According to Youth (9) Staff Howell and Sears were present and did nothing to stop the fist fights.

Youth (9) stated that Staff Howell found out someone in Silver Charm cottage told on him and Staff Sears for allowing the youth to fight. Youth (4) said Staff Howell became angry, he held a peer meeting, and told the youth, "I will find who has been snitching, and they will be beat up."

Further investigation revealed that youth (4), (2), (5), and other youth from Silver Charm cottage participated in the Saturday morning fights on several occasions. The youths advised that the fights were witnessed by Staff Howell, Sears, Johnson and no intervention took place to stop them. Staff Green would remain in the Day room watching television while the fighting took place. According to the youth, they felt that Staff Howell, Sears and Johnson were trying to teach them respect and condone the fights.

Staff Howell denied that he, and Staff Sears and Green would not allow the youth in Silver Charm to fight on Saturdays. Staff Howell said Youth (1) was lying about him and the other staff members. During the interview with this investigation, Staff Howell refers to Youth (1) as a "pig".

Staff Howell advised he never radioed that he was removing Youth (4) from Secretariat cottage and escorting him to Silver Charm Cottage. Staff Howell admitted that he never noted in Secretariat Cottage log book that he removed Youth (4), and transported him to Silver Charm Cottage.

Staff Howell advised that he did lose sight of Youth (4) for several minutes, which did not allow him to properly supervise Youth (4). This resulted in Youth (1) being assaulted by Youth (4).

Staff Sears advised that he, Howell, Green and Johnson never allowed any of the youth to fight in Silver Charm. Staff Sears said whenever there were fights between the youths it was documented and always handle by the staff. Staff Sears said the fights were never set up by the staff at Victor Cullen. Investigation revealed that there is no reports on file with Victor Cullen or DJJ which documents the fights.

Staff Green reported he never allowed the youth in Silver Charm Cottage to fight. Staff Green said the youth in Silver Charm were making up lies about him and Staff Howell, Sears and Johnson because they were strict on them.

Staff Caiopoulos reported that Youth (1) told him about the fights that were taken place in Silver Charm on Saturdays. Staff Caiopoulos said Youth (1) reported that Staff Howell, Sears, Johnson and Green were allowing the other youth to fight when they needed to settle a disagreement. Staff Caiopoulos said he asked a couple of other youths in Silver Charm about the fights, they told him they were allowed to fight on Saturdays. Staff Caiopoulos went to management at Victor Cullen with the information he received.

Staff Caiopoulos said he has been harassed by staff as a result of him coming forward to management, and felt that he might be assaulted by staff.

The investigation revealed that six fights took place in Silver Charm Cottage, the youth involved advised no one was ever injured during the altercation.

Investigative Findings and Recommendations:

Finding 1.0: Sustained; Staff Justin Howell, Floyd, Sears, Willie Green and Paul Johnson failed to perform there duties in violation of DJJ Standard of Conduct 2.10. which reads in part:

"An employee of the Department shall be responsible for his or her own actions, as well as the proper performance of his or her duties. In carrying out the functions and objectives of the Department, an employee shall perform all duties in a manner that will maintain the highest standards of efficiency."

Specification 1.0: On Saturday mornings between the months of February 2001 and May 2001 Justin Howell, Floyd Sears, Willie Green and Paul Johnson allowed the youth to engage in hand to hand fist fights. The fights were condoned, and no intervention took place .

Finding 1.1

Sustained; Justin Howell, Floyd Sears, Willie Green and Paul Johnson did commit a Breach of Security in violation of DJJ Standard of Conduct 2.13.2. which in part reads:

“An employee may not take any action or fail to take any action when the action or failure to act causes a breach of security or a potential breach of security by jeopardizing the safety or security of any employee, delinquent youth offender...”

Specification 1.1: Staff Howell, Sears, Green and Johnson allowed several youth in Silver Charm cottage to engage in fist fights on Saturday mornings.

Recommendation:

The appropriate disciplinary action should be taken.

Staff Disciplinary Action:

As a result of this investigation, Staff Justin Howell and Floyd Sears employment at Victor Cullen was terminated on June 18, 2001. Staff Willie Green resigned from his employment at Victor Cullen on June 18, 2001. Staff Paul Johnson is currently still employed with Victor Cullen, but out on workmen compensation.

DSS Case Disposition:

Kathryn Cioffi a case worker for DSS/CPS, investigated these incidences and “**Indicated**” for child neglect on staff Howell, Sears, Green and Johnson.

Maryland State Police Disposition:

At the time of this report, the Frederick Barracks is awaiting the outcome of the DJJ investigation.

MAY 20 1998

SEP 25 08 12:04

01E1059

INCIDENT REPORT **MARYLAND DEPARTMENT OF JUVENILE JUSTICE** **Investigations and Child Advocacy Unit** **Facsimile: (410) 333-4194**

RECEIVED

ICAU-3

REPORTING PROVIDER: VICTOR CULLEN ACADEMY
PROVIDER ADDRESS: 6000 CULLEN DRIVE SHELLEYSVILLE MO 64780
PROVIDER PHONE: 301 241 4189

1. TYPE OF INCIDENT (Mark ALL that apply):

EMERGENCY INCIDENT:

- | | |
|--|---|
| <input type="checkbox"/> a. AWOLs Involving Two (2) or More Youth | <input type="checkbox"/> f. Illegal Use/Possession of Firearms/Deadly Weapons by Youth OR Staff |
| <input type="checkbox"/> b. Any Employee Charged with Criminal Behavior | <input type="checkbox"/> g. Physical/Sexual Child Abuse OR Neglect OR Allegations (DDJ 01.01.13) |
| <input type="checkbox"/> c. Death of a Youth OR Life-Threatening Injury/Illness | <input type="checkbox"/> h. Physical Plant Problem that Renders a Facility Uninhabitable |
| <input type="checkbox"/> d. Death of a Staff Member | <input type="checkbox"/> i. Riot/Disturbance Resulting in Bodily Harm/Property Damage/Police Notification |
| <input type="checkbox"/> e. Escapes from a Facility Designated as a Place of Confinement | <input type="checkbox"/> j. Other Emergency Incident as Provided for in DDJ Policy 01.01.23 |

CRITICAL INCIDENT:

- | | |
|--|--|
| <input type="checkbox"/> 1. AWOL if Youth is Unlikely to Return within Two (2) Hours | <input type="checkbox"/> 6. Suicide Attempt, Gesture OR Ideation |
| <input type="checkbox"/> 2. Admission to Hospital of a Youth OR On-Duty Staff | <input type="checkbox"/> 7. Suspected Illegal Substance OR Paraphernalia Discovered |
| <input type="checkbox"/> 3. Arrest of a Youth OR Police on Grounds | <input type="checkbox"/> 8. Youth OR Staff on Duty Requiring Non-Routine, Off-Grounds Medical Care |
| <input type="checkbox"/> 4. Community Disturbance by Youth | <input checked="" type="checkbox"/> 9. Any Incident with Potential for Attracting Community OR Media Attention |
| <input type="checkbox"/> 5. Delinquent/Criminal Act by a Youth Likely to Result in Filing a Formal Complaint with Police | <input type="checkbox"/> 10. Other Critical Incident as Provided for in DDJ Policy 01.01.23 |

2. INFORMATION ABOUT the INCIDENT:

Date and Time of Incident: / / : : ☐ A.M. ☐ P.M.Exact Location of Incident: SILVER CHARM COTTAGEStaff Involved: UNDER INVESTIGATIONForce/Weapon Used: ☐ YES ☐ NO "If YES, indicate type: Incident Witnessed: ☐ YES ☐ NO "If YES, by whom: Arrest Effected: ☐ YES ☒ NO "If YES, by whom: ☐ On Grounds ☐ Off Grounds

Mark ALL That Apply:

<input type="checkbox"/> Youth Injured	<input type="checkbox"/> Youth Sick	<input type="checkbox"/> Staff Injured	<input type="checkbox"/> Staff Sick
<input type="checkbox"/> Treated at Scene, by whom: <u> </u>			<input type="checkbox"/> Ambulance Transport
<input type="checkbox"/> Transported to: <u> </u>			<input type="checkbox"/> Hospitalized at: <u> </u>

Nature of Injury:

ICAU.# _____

3. INFORMATION ABOUT ANY YOUTH INVOLVED:

Full Name	AGE/SEX	DOB	Admit Date	Admit Offense	Co./City	Case Manager

Did any youth make a statement? ☐ YES ☐ NO If YES: ☐ Oral Statement ☐ Written Statement

4. NOTIFICATION of DEE, PARENT/GUARDIAN, JUVENILE COUNSELOR, PROGRAM ADMINISTRATOR, and POLICE:

Name	Phone	Date Notified	Time Contacted
a. Dept. of Social Services			
b. Parent/Guardian			
c. Juvenile Counselor			
d. Program Administrator	JOSEPH V. SMITH	ON SITE	25 MAY 2004
e. Police			

5. NOTIFICATION of MANAGEMENT and the INVESTIGATIONS AND CHILD ADVOCACY UNIT (I.C.A.U.):

Name	Method of Contact	Date Notified	Time Contacted
Assistant Secretary			
Area Director			
On-Call Administrator	O'DONNELL PHILLIP	25 MAY 2004	2 PM

REPORTING PERSONNEL:

JOSEPH V. SMITH [Signature] 25 MAY 2004
PRINT Name Signature Date

SUPERVISOR APPROVING REPORT:

JOSEPH V. SMITH [Signature] 25 MAY 2004
PRINT Name Signature Date

INCIDENT REPORT SENT to the INVESTIGATIONS AND CHILD ADVOCACY UNIT (I.C.A.U.) via FACSIMILE (410) 323-4194:

Date: 25 MAY 2004 Time: ☐ AM ☒ PM By Whom: JOSEPH V. SMITH, PA

(I.C.A.U. USE ONLY)

Notification: ☐ P.I.O. ☐ Secretary ☐ Deputy Secretary ☐ Asst. Secretary/Area Director WHOM: _____

Follow-Up Action Taken: ☐ YES ☐ NO Status: ☐ OPEN ☐ CLOSED ICAU Staff Initials: _____

SEP 25 08 12:04

LCAU.#

ACTION TAKEN/NARRATIVE

Provide a detailed explanation of the incident. As a guide to capturing the pertinent facts, answer the following questions: who, what, where, when, why and how. Use real names and pronouns (he, she, they, etc.).

VICTOR CULLEN ACADEMY, MR GAVIN DANN, UCA
ETHICS OFFICER, IS CONDUCTING AN INVESTIGATION
INTO ALLEGED ASSAULTS THAT HAVE HAPPENED ON
SILVER CHARM COTTAGE, ON SATURDAY IN THE
BAYL HALLWAY

THE INVESTIGATION IS BEING LED BY MR DANN
AND MR SMITH.

INITIAL STATEMENTS INDICATE THAT TWO STUDENTS
WERE ALLOWED TO SETTLE A DISPUTE IN THE
BAYL HALLWAY AND THAT AD STAFF STOPPED IT.

THE INVESTIGATION CONTINUES.

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